

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERNEST MONDRAGON and  
JEREMY MONDRAGON,**

**Plaintiffs,**

**vs.**

**STATE OF NEW MEXICO, ex rel.,  
NEW MEXICO STATE POLICE, an  
agency of the State of New Mexico;  
THE CITY OF ALBUQUERQUE;  
ALBUQUERQUE POLICE DEPARTMENT;  
JERRY GALVIN, Albuquerque Police Chief;  
OFFICER ROBERT DILLEY; and  
ALBUQUERQUE POLICE OFFICERS  
WHOSE TRUE NAMES ARE UNKNOWN,**

**Defendants.**

**PROVISIONAL DISCOVERY PLAN (DEFENDANTS)**

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on August 30, 2001 and was attended by:

Anthony James Ayala for the Plaintiff

Donald D. Sullivan for the Defendants

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

- a. Rule 26(a)(1) disclosures are due on or before October 15, 2001.
- b. Discovery will be needed on the following subjects:
  - a. Depositions of plaintiff, defendant, eyewitnesses and experts.
  - b. Production of all documents or other tangible things related to the allegations.
- c. The parties stipulate to standard track discovery of one hundred fifty (150) days commenced in time to be completed by March 1, 2002. Discovery on qualified

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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immunity defense to be completed by December 1, 2001.

Maximum of 25 interrogatories by each party to any other party. (Response due 30 days after service).

Maximum of 25 requests for production by each party to any other party. (Response due 30 days after service).

Maximum of 25 requests for admission by each party to any other party. (Response due 30 days after service).

Maximum of 8 depositions by Plaintiff(s) and 8 by Defendant(s).

Each deposition (other than of parties and expert witnesses) limited to maximum of 4 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff(s) by December 7, 2001 .

from Defendant(s) by December 14, 2001 .

Supplementation under Rule 26(e) due 30 days (set time(s) or interval(s)).

3. Other Items. (use separate paragraphs or subparagraphs as necessary if parties disagree.)

The parties request a settlement conference in March, 2002 .

The parties request a pretrial conference in April, 2002 .

All potentially dispositive motions should be filed by April 14, 2002.

Plaintiff(s) shall provide the Pretrial Order to Defendant(s) by 30 days before pretrial conference and Defendant(s) shall submit to the Court by 15 days before pretrial conference.

Settlement cannot be evaluated prior to initiation of discovery.

**For the City Defendants:**

Kenneth C. Downes  
Donald D. Sullivan  
Attorney for the Defendants  
Kenneth C. Downes & Associates  
500 Marquette NW, Suite 640  
Albuquerque, NM 87102  
(505) 243-0816

By: 

**For Defendant State of New Mexico:**

John E. DuBois  
Risk Management Division  
Legal Bureau  
PO Drawer 26110  
Santa Fe NM 87502-0110

By: Approved Telephonically on  
September 4, 2001 by John E. DuBois

**For the Plaintiff:**

Attorney for Plaintiffs  
Anthony James Ayala, Esq.  
PO Box 1966  
Albuquerque, NM 87102

By: 